

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
GEORGE H. CHITTENDEN	:	VIOLATION:
	:	42 U.S.C. § 6928(d)(2)(A) (storage of hazardous waste without a permit - 1 count)
	:	18 U.S.C. § 2 (aiding, abetting, and willfully causing)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. Defendant GEORGE H. CHITTENDEN owned a holding company called GHC Capital Corp., which had two subsidiaries, Spra-Fin, Inc. (Spra-Fin) and Montgomery Powder Coating, Inc. (MPC), in Montgomery County, Pennsylvania. Spra-Fin was located at 177 Wissahickon Avenue, North Wales, Pennsylvania, near railroad tracks utilized by the regional SEPTA R5 line. MPC was located in Red Hill, Pennsylvania. The defendant applied powder coatings to furniture and other components at both facilities. The Spra-Fin facility also applied paint, and used solvents to clean painting equipment.

2. Defendant GEORGE H. CHITTENDEN purchased Spra-Fin in 1985, and operated it until the summer of 2004, when defendant CHITTENDEN shifted all operations to the MPC plant.

3. Defendant GEORGE H. CHITTENDEN was well-acquainted with the requirements of the environmental protection laws. In 1985, Spra-Fin notified the United States Environmental Protection Agency (EPA) that it generated various kinds of hazardous wastes regulated by the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6901 et seq. (RCRA). Regulators from the Pennsylvania Department of Environmental Protection (DEP) inspected the facility multiple times, and issued Notices of Violations to the company for non-compliance with various hazardous waste requirements. The company also possessed a permit issued pursuant to the Clean Air Act, and the defendant had personally dealt with EPA in connection with a Superfund site known as the "North Penn 7" site.

4. Until May 2001, Spra-Fin managed its hazardous waste by storing it on-site, and then hiring a company to arrange for transportation and disposal off-site. Defendant GEORGE H. CHITTENDEN was personally involved in budgeting for payment of the bills for hazardous waste disposal. From May 2001 to May 2005, Spra-Fin did not hire a hazardous waste contractor.

5. In April 2005, almost a year after Spra-Fin closed, EPA employees discovered various kinds of waste stored at the facility, including in unlocked trailers, on a concrete pad that had been designated as the company's hazardous waste storage area, in an unlocked fenced area next to the concrete pad, and in a shed. Waste was located within 50 feet of the railroad tracks. Seven 55-gallon drums found on the concrete pad were labeled as hazardous waste generated in February, 2004. EPA observed spills in the trailers, and fumes in various locations.

6. EPA informed defendant GEORGE H. CHITTENDEN that it would conduct a Superfund cleanup if he did not do it. The defendant agreed to complete the clean up by the end of May 2005. Although he began and did a partial clean up at the facility after receiving several extensions of time, defendant CHITTENDEN ultimately told EPA in late August, 2005, that he did not have money to complete the clean up. EPA completed the cleanup in the fall of 2005.

7. A contractor hired by defendant GEORGE H. CHITTENDEN and EPA personnel and contractors identified corrosive, ignitable, toxic and listed hazardous waste stored at various locations at Spra-Fin in 2005.

THE RESOURCE CONSERVATION AND RECOVERY ACT

8. EPA and the states regulated various types of solid wastes classified as hazardous wastes pursuant to RCRA from the point of generation, through storage and treatment, to disposal. This program often is referred to as the RCRA "cradle-to-grave" regulatory system.

9. Under RCRA, a waste qualified as "hazardous" if it met either of two conditions: first, if it exhibited one or more of the following physical characteristics: ignitability, corrosivity, reactivity or toxicity; or second, if it was specifically listed in the RCRA regulations as a hazardous waste. 40 C.F.R. §§ 261.21-.24, .31-.33.

10. RCRA made it a crime for a person knowingly to store hazardous waste without a permit. 42 U.S.C. §§ 6925, 6928(d)(2).

11. From approximately February 2004, through in or about August 2005, in North Wales, in the Eastern District of Pennsylvania, defendant

GEORGE H. CHITTENDEN

knowingly stored, and aided, abetted, and willfully caused the storage of, hazardous waste at his Spra-Fin facility without a permit as required by RCRA.

In violation of Title 42, United States Code, Section 6928(d)(2)(A), and Title 18, United States Code, Section 2.

PATRICK L. MEEHAN
UNITED STATES ATTORNEY